

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-81258-BLOOM

JACOB GIBBS,

Plaintiff,

v.

MARY MITCHELL, *et al.*,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

THIS CAUSE is before the Court upon Plaintiff Jacob Gibbs's construed Motion for Reconsideration, ECF No. [5]. *See United States v. Jordan*, 915 F.2d 622, 624-25 (11th Cir. 1990) ("Federal courts have long recognized that they have an obligation to look behind the label of a motion filed by a *pro se* inmate and determine whether the motion is, in effect, cognizable under a different remedial statutory framework." (citation omitted)).

In the Motion, Plaintiff argues that the Court misconstrued his claims and disputes the legal conclusions in the Court's Screening Order, ECF No. [4]. *See generally* ECF No. [5]. Because the Court dismissed the Complaint without prejudice, Plaintiff may file a new complaint once he cures the defects identified in the Court's Screening Order. Plaintiff should not file the new complaint in this case, 23-81258-BLOOM, which is closed, but should instead open a new case.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff's construed Motion for Reconsideration, **ECF No. [5]** is **DENIED**. This case shall remain closed.

DONE AND ORDERED in Chambers at Miami, Florida, on October 5, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

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